

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

REIKO ELIO PENUNURI,

Defendant.

**8:18–CR–152**

**ORDER ON MOTION FOR  
APPOINTMENT OF COUNSEL**

This matter is before the Court on Reiko Elio Penunuri’s “Motion for Appointment of Counsel to Assist and Prepare Motion for Compassionate Release under [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#).” [Filing 502](#). In a prior motion Penunuri filed earlier this year, he requested appointment of counsel and made some similar factual assertions. *See generally* [Filing 465](#). The Court rejected that prior motion for the appointment of counsel, explaining that his request for counsel appeared to be based on a desire to pursue a civil claim and, therefore, did not relate to the criminal case in which he had filed the request. [Filing 472](#). Penunuri returns to this Court again requesting appointment of counsel, except this time his request is made for the purposes of assisting him with a future motion for compassionate release that he intends to file. [Filing 502 at 1](#). Although Penunri alludes to the conditions he intends to raise in this future filing, his present Motion seeks only the appointment of counsel and is not itself a motion for compassionate release under [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#). *See generally* [Filing 502](#).

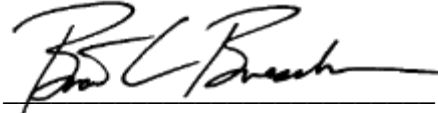
“[A] defendant’s constitutional and statutory rights to assistance of counsel does not extend to postconviction proceedings beyond a direct appeal, including postconviction proceedings under [18 U.S.C. § 3582\(c\)](#).” *United States v. Washington*, No. 6:02–CR–03110-MDH, 2022 WL 17637631, at \*1 (W.D. Mo. Dec. 13, 2022) (citing cases); *cf. United States v. Meeks*,

971 F.3d 830, 833 (8th Cir. 2020) (“[T]here is no Sixth Amendment right to counsel in sentence modification proceedings under § 3582(c)”) (quotation marks and citation omitted). Having considered the matters Penunuri raises in his Motion, as well as other pertinent portions of the record, the Court declines to appoint counsel. Accordingly,

IT IS ORDERED: Reiko Elio Penunuri’s request for appointment of counsel, [Filing 502](#), is denied.

Dated this 13th day of June, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge